



## **Sherman: Serious Flaws Exist in Our Presidential Succession Laws**

By Rep. Brad Sherman  
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It is practically a Washington parlor game each year to guess which member of the president's Cabinet has been whisked away to a secure and undisclosed location during the State of the Union address. (This year it was Interior Secretary Ken Salazar.)

Of course, the secretary's absence is a precaution meant to preserve the line of presidential succession if a catastrophic event decapitated the entire assembled federal government. However, there remain serious flaws with the line of presidential succession as it currently exists.

The tragedy in Tucson, Ariz., was a somber and sobering reminder of the fact that there are those who would seek to cause grievous harm to the nation's political system. With the State of the Union address behind us and the 112th Congress under way, now is the time to consider how the current laws could leave the executive branch crippled and its legitimacy in doubt at the worst possible time, in the midst of an economic recovery and ongoing wars.

What is most important here is continuity and legitimacy: continuity of the president's policies as mandated quadrennially by the voters, and the unambiguous right of a single person to serve as our legitimate president. Vast improvements can and should be made to presidential succession by statute, without altering the Constitution.

Soon, I will introduce comprehensive legislation — the Presidential Succession Act of 2011 — to solve the current problems with succession law. Allow me to outline three of these concerns.

First, under the Presidential Succession Act of 1947, the Speaker and Senate President Pro Tem are second and third in line. Should either ascend to the presidency, a radical shift in policy could occur if the successor is not of the same party as the president. The possibility of such a shift could also keep a president from taking a leave of absence for a medical operation if there were no one serving as vice president.

My legislation enables the president to designate which of the top three House leaders (Speaker, Majority Leader or Minority Leader) would become the second in line to the presidency and which of the top three Senate leaders (President Pro Tem, Majority Leader or Minority Leader)

would become the third in line. This change would greatly lessen any radical policy shifts from occurring in a time of crisis.

Second, the Presidential Succession Act of 1947 does not provide for any person in the line of succession who resides outside of Washington, D.C.; this would leave the country without a president if the nation's capital were destroyed. The Presidential Succession Act of 2011 will add our top five ambassadors, starting with the ambassador to the United Nations, at the end of the line of succession.

Thirdly, the Presidential Succession Act of 1947 includes a provision allowing "prior entitled individuals" to "bump" an acting president, meaning if the secretary of State becomes acting president because the president, vice president and Congressional leaders have been killed, but the House then elects a new Speaker, that Speaker would become the new acting president and bump the secretary of State out of the presidency. This creates a game of musical chairs with the presidency and would cause great instability. In a time of national crisis, the nation needs to know who its president is. My bill eliminates the bumping problem.

In 1865, John Wilkes Booth not only assassinated President Abraham Lincoln, he plotted to kill the vice president and secretary of State as well. We must be prepared for the likelihood that Osama bin Laden, among other terrorists, may be more ambitious.

The foregoing scenarios may seem far-fetched and macabre, but in the nuclear age and the age of terrorism, our presidential succession laws must be as solid as the barriers surrounding the Capitol grounds.

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